

ARZINA KHANAM and TAYEB SAIMA,

Plaintiff,

v.

DANIEL F. TATSCH and PSEG
CORPORATION a/k/a and/or d/b/a PUBLIC
SERVICE ELECTRIC AND GAS COMPANY
or PSEG,

Defendants.

)
)
)
)
)
)
)
)
)
)
)

COMPLAINT & DEMAND FOR JURY TRIAL

Civil Action No. 16-cv-

The Plaintiffs, ARZINA KHANAM and TAYEB SAIMA (hereafter referred to as the “Plaintiff”), as and for their Verified Complaint submitted pursuant to Federal Rules of Civil Procedure Rule 7 against Defendant DANIEL F. TATSCHD (hereafter referred to as the “Defendant”), alleges as follows:

1. This Court has subject matter jurisdiction pursuant to the following statutes: 28 U.S.C. § 1333, providing for original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.

2. Venue is proper because one of the parties resides in the District in which this action is brought.

NATURE OF THE CASE

3. This is a civil action for personal injuries suffered by Plaintiff against Defendant resulting from a motor vehicle accident that occurred southbound on Route US1, approximately 300 feet north of Willow Glade Road, Linden, Union County, New Jersey when Plaintiff, a pedestrian, was struck by the Defendant's motor vehicle while lawfully crossing the aforementioned road.

PARTIES

4. Plaintiffs are individuals and citizens and residents of Queens County, New York.

5. Defendant, DANIEL F. TATSCH (hereafter referred to as defendant "TATSCH"), is an individual and a citizen and resident of Hillsborough, Somerset County, New Jersey.

6. Upon information and belief, Defendant PSEG CORPORATION a/k/a and/or d/b/a PUBLIC SERVICE ELECTRIC AND GAS COMPANY or PSEG (hereafter referred to as defendant "PSEG"), a corporation with a principal place of business at 80 Park Plaza, Newark, Essex County, within the State of New Jersey, 07102-4106.

GENERAL ALLEGATIONS

7. On or about February 4, 2014, Defendant PSEG owned a motor vehicle bearing New Jersey State License Plate No. XM866D.

8. On or about February 4, 2014, Defendant TATSCH operated the aforesaid motor vehicle.

9. On or about February 4, 2014, Defendant TATSCH operated the aforesaid motor vehicle on Route US1, approximately 300 feet north of Willow Glade Road, Linden, Union County, New Jersey.

10. On or about February 4, 2014, Defendant TATSCH operated the aforesaid motor vehicle with the permission and consent of defendant PSEG.

11. At the aforesaid time and place, Plaintiffs were the driver and passenger, respectively, of and in a motor vehicle directly in front of the defendants' motor vehicle and which was being operated lawfully and reasonably.

12. At the aforesaid time and place, Defendants' above described motor vehicle and Plaintiff vehicle came into contact with one another striking Plaintiffs' vehicle from behind with great force.

13. The aforesaid occurrence was due to the negligence, recklessness, and carelessness of the Defendants in their ownership, operation, management, maintenance, and control of their motor vehicle.

14. By reason of the foregoing, Plaintiffs sustained severe, serious, and permanent personal injuries.

15. By reason of the foregoing, each Plaintiff sustained a serious injury, as defined in Section 5102(d) of the Insurance Law of the State of New York and/or economic loss greater than basic economic loss, as defined in Section 5102(a) of the Insurance Law of the State of New York.

16. This action falls within one or more of the exceptions set forth in C.P.L.R. 1602.

17. The Plaintiffs reserves their right to add a claim for punitive damages in this Count upon completion of discovery and with the leave of this Court.

PRAYER FOR RELIEF

WHEREFORE Plaintiffs respectfully request for the following:

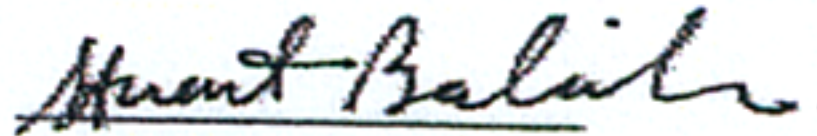
- A. actual, compensatory and statutory damages in an amount to be determined by proof at trial;
- B. punitive damages as allowed by law;
- C. pre- and post-judgment interest as allowed by law;
- D. an award of taxable costs; and
- E. award costs, interest, and attorney's fees.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiffs demand a trial by jury for issues so triable.

Dated: Elmhurst, New York
February 2, 2017

Yours, etc.,



Stuart N. Babitch, Esq., P.C.
40-43 75th Street, 1st Floor
Elmhurst, New York 11373
Ph: 718-424-3334
Fax: 718-424-3354
babich_law@yahoo.com
Attorney for Plaintiffs

VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF QUEENS)

The undersigned, being duly sworn, deposes and says:

That deponent is a Plaintiff in the within action; that deponent has read the foregoing and knows the contents thereof, that the same is true to the deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to these matters, deponent believes them to be true.

Dated: February 2, 2017

X Arzina Khanam

ARZINA KHANAM

Sworn to before me this
2nd day of February, 2017

M. Zhaq

Notary Public



VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF QUEENS)

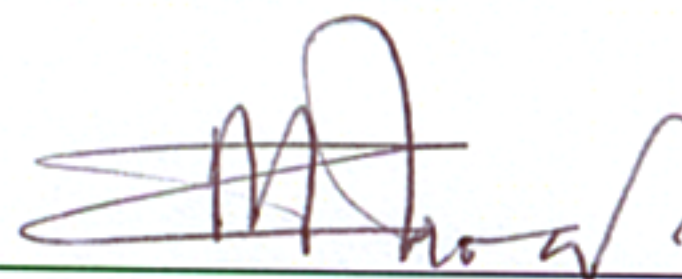
The undersigned, being duly sworn, deposes and says:

That deponent is a Plaintiff in the within action; that deponent has read the foregoing and knows the contents thereof, that the same is true to the deponent's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to these matters, deponent believes them to be true.

Dated: February 2, 2017


SAIMA TAYED

Sworn to before me this
2nd day of February, 2017



Notary Public
\\

